

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----x  
PAUL WILLIAMS,

DKT#:

Plaintiff,

**VERIFIED COMPLAINT**

- against -

**JURY TRIAL DEMANDED**

THE CITY OF NEW YORK,  
LIEUTENANT KEVIN JUDGE (Tax ID # 901746),  
P.O. RAYMOND LOW (Tax ID# 936985),  
P.O. "JOHN DOE" #1-10, Individually and in their official  
capacities (the name John Doe being fictitious as the true  
names is presently unknown),

Defendants.

-----x  
Plaintiff, PAUL WILLIAMS, by his attorneys, TREYVUS & KONOSKI, P.C.,  
complaining of the defendants, respectfully alleges as follows:

**PARTIES**

1. Plaintiff, PAUL WILLIAMS, is a citizen of the United States and at all relevant times a resident of the City and State of New York.
2. THE CITY OF NEW YORK, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. THE CITY OF NEW YORK, maintains the New York City Police Department, a duly organized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, THE CITY OF NEW YORK.
4. That at all times hereinafter mentioned, the individually named defendants, LIEUTENANT KEVIN JUDGE (Tax ID # 901746), P.O. RAYMOND LOW (Tax ID# 936985),

and P.O. "JOHN DOE" # 1-10, were duly sworn police officers of THE CITY OF NEW YORK Police Department and were acting under the supervision of said department and according to their official duties.

5. That at all times hereinafter mentioned, the defendants, either personally or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State of New York or THE CITY OF NEW YORK.

6. Each and all of the acts of the defendants alleged herein were done by said defendants while acting within the scope of their employment by defendant, CITY OF NEW YORK.

7. Each and all of the acts of the defendants alleged herein were done by said defendants while acting in furtherance of their employment by defendant, CITY OF NEW YORK.

#### FACTS

8. On or about April 27, 2013, at approximately 10:30 a.m., the Plaintiff was lawfully traversing the public thoroughfare at or near Lexington Avenue in the County, City, and State of New York.

9. While lawfully on the street he was arrested by police, including LIEUTENANT KEVIN JUDGE (Tax ID # 901746), P.O. RAYMOND LOW (Tax ID# 936985), and P.O. "JOHN DOE" # 1-10.

10. The Plaintiff was criminally charged with Criminal Sale of a Controlled Substance in the Third Degree (a Class B drug felony).

11. The Plaintiff was held in custody for approximately 36 hours before he was released from custody at his criminal court arraignment.

12. The Plaintiff did not sell any narcotics of any kind on April 27, 2013.

13. The Defendant police officers did not have probable cause to arrest the Plaintiff.

14. On Plaintiff's first Court appearance following the arraignment all criminal charges were dismissed.

15. As a result of the foregoing, plaintiff sustained, inter alia, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, embarrassment and humiliation, shame, indignity, damage to reputation, and suffered a deprivation of her constitutional rights.

### **FEDERAL CAUSES OF ACTION**

#### **FIRST CLAIM FOR RELIEF** **DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

16. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "15" with the same force and effect as if fully set forth herein.

17. All of the aforementioned acts of defendants, their agents, servants and employees were carried out under the color of law.

18. All of the aforementioned acts deprived plaintiff of the rights, privileges and immunities guaranteed to citizens of the United States by the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America and in violation of 42 U.S.C. § 1983

19. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, with all the actual and/or apparent authority attendant thereto.

20. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures and rules of THE CITY OF NEW YORK and the New York Police Department, all under the

supervision of ranking officers of said department.

21. Defendants collectively and individually, while acting under color of state law, engaged in conduct which constituted a custom, usage, practice, procedure or rule of his/her respective municipality/authority, which is forbidden by the Constitution of the United States.

**SECOND CLAIM FOR RELIEF**  
**UNLAWFUL SEIZURE (OF PERSON) UNDER 42 U.S.C § 1983**

22. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "21" with the same force and effect as if fully set forth herein.

23. As a result of defendants' aforementioned conduct, plaintiff was subjected to an illegal, improper and unlawful seizure of her person without any probable cause, privilege, or consent.

24. That the seizure of the plaintiff was objectively unreasonable and in violation of the plaintiff's constitutional rights.

25. As a result of the foregoing, plaintiff sustained, inter alia, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, embarrassment and humiliation, shame, indignity, damage to reputation, and suffered a deprivation of her constitutional rights.

**THIRD CLAIM FOR RELIEF**  
**FALSE ARREST UNDER 42 U.S.C § 1983**

26. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "25" with the same force and effect as if fully set forth herein.

27. As a result of defendants' aforementioned conduct, plaintiff and was subjected to an illegal, improper and false arrest by the defendants and taken into custody and caused to be falsely imprisoned, detained, confined, and incarcerated by the defendants without any probable cause, privilege or consent.

28. That the detention of the plaintiff by defendant was objectively unreasonable and in violation of plaintiff's constitutional rights.

29. As a result of the foregoing, plaintiff's liberty was restricted for an extended period of time, and plaintiff was put in fear for her safety, was humiliated and subjected to handcuffing, and other physical restraints, all without probable cause, and plaintiff sustained, inter alia, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, embarrassment and humiliation, shame, indignity, damage to reputation, and suffered a deprivation of his constitutional rights.

**FOURTH CLAIM FOR RELIEF**  
**MALICIOUS PROSECUTION UNDER 42 U.S.C. § 1983**

30. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "29" with the same force and effect as if fully set forth herein.

31. Defendants were directly and actively involved in the initiation of criminal proceedings against Plaintiff.

32. Defendants lacked probable cause to initiate criminal proceedings against Plaintiff.

33. Defendants acted with malice in initiating criminal proceedings against Plaintiff.

34. Defendants were directly and actively involved in the continuation of criminal proceedings against Plaintiff.

35. Defendants lacked probable cause to continue criminal proceedings against Plaintiff.

36. Defendants acted with malice in continuing criminal proceedings against Plaintiff.

37. Notwithstanding the conduct of the Defendants, the criminal proceedings were terminated in Plaintiff's favor when all criminal charges against him were dismissed.

38. As a result of the foregoing, plaintiff's liberty was restricted for an extended

period of time, and plaintiff was put in fear for his safety, was humiliated and subjected to handcuffing, and other physical restraints, all without probable cause, and plaintiff sustained, inter alia, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, Embarrassment and humiliation, shame, indignity, damage to reputation, incurred monetary costs, and deprivation of his constitutional rights.

### **STATE LAW CAUSES OF ACTION**

#### **FIRST CLAIM FOR RELIEF UNDER NEW YORK STATE LAW**

**FALSE ARREST**

39. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "38" with the same force and effect as if fully set forth herein.

40. As a result of defendants' aforementioned conduct, plaintiff was subjected to an illegal, improper and false arrest by the defendants and taken into custody and caused to be falsely imprisoned, detained, confined, and incarcerated by the defendants without any probable cause, privilege or consent.

41. That the detention of the plaintiff by defendant was objectively unreasonable and in violation of plaintiff's constitutional rights.

42. As a result of the foregoing, plaintiff's liberty was restricted for an extended period of time, and plaintiff was put in fear for her safety, was humiliated and subjected to handcuffing, and other physical restraints, all without probable cause, and plaintiff sustained, inter alia, pain, suffering, physical injury, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, embarrassment and humiliation, shame, indignity, damage to reputation, and suffered a deprivation of his constitutional rights.

**SECOND CLAIM FOR RELIEF UNDER NEW YORK STATE LAW**  
**MALICIOUS PROSECUTION**

43. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "42" with the same force and effect as if fully set forth herein.

44. Defendants were directly and actively involved in the initiation of criminal proceedings against Plaintiff.

45. Defendants lacked probable cause to initiate criminal proceedings against Plaintiff.

46. Defendants acted with malice in initiating criminal proceedings against Plaintiff.

47. Defendants were directly and actively involved in the continuation of criminal proceedings against Plaintiff.

48. Defendants lacked probable cause to continue criminal proceedings against Plaintiff.

49. Defendants acted with malice in continuing criminal proceedings against Plaintiff.

50. Notwithstanding the conduct of the Defendants, the criminal proceedings were terminated in Plaintiff's favor when all criminal charges against him were dismissed.

51. As a result of the foregoing, plaintiff's liberty was restricted for an extended period of time, and plaintiff was put in fear for his safety, was humiliated and subjected to handcuffing, and other physical restraints, all without probable cause, and plaintiff sustained, inter alia, loss of enjoyment of life, loss of liberty, emotional distress, mental anguish, Embarrassment and humiliation, shame, indignity, damage to reputation, incurred monetary costs, and deprivation of his constitutional rights.

**THIRD CLAIM FOR RELIEF UNDER NEW YORK STATE LAW**  
**VICARIOUS LIABILITY and RESPONDEAT SUPERIOR**

52. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "51" with the same force and effect as if fully set forth herein.

53. That the corporate defendant, CITY OF NEW YORK, is liable to the Plaintiff for the acts and omissions and negligence, and the assault and battery, of its various agents, servants, and employees, including LIEUTENANT KEVIN JUDGE (Tax ID # 901746), P.O. RAYMOND LOW (Tax ID# 936985), and P.O. "JOHN DOE" # 1-10, under the legal theories of "Vicarious Liability" and "Respondeat Superior".

**CONDITIONS PRECEDENT**

54. Within 90 days of the Plaintiff's injury, on or about May 17, 2013, a Notice of Claim was served upon the defendant City of New York, setting forth:

- a. The name and post office address of the claimant and his attorney;
- b. The nature of the claim;
- c. The time when, the place where, and the manner in which the claim arose;
- d. The items of damages and injuries sustained so far as practicable.

55. The Notice of Claim was served upon the defendant, City of New York, within 90 days after Plaintiff's several causes of action accrued.

56. A hearing was held on August 20, 2013, prior to the filing of the within lawsuit, where the Plaintiff provided testimony pursuant to Section 50-H of the General Municipal Law.

57. This action has been commenced within one year and 90 days after Plaintiff's various causes of action have accrued.

58. Plaintiff has duly complied with all of the conditions precedent to the commencement

of these causes of action.

**DAMAGES AND RELIEF REQUESTED**

59. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "58" with the same force and effect as if fully set forth herein.

60. All of the foregoing acts by defendants deprived plaintiff of federally protected rights, including, but not limited to, the right:

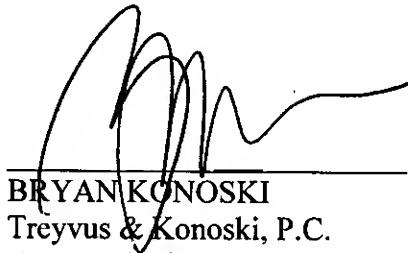
- A. Not to be deprived of liberty without due process of law;
- B. To be free from seizure and arrest not based upon probable cause;
- C. To be free from unwarranted and malicious criminal prosecution;
- D. To receive equal protection under the law.

61. **WHEREFORE**, plaintiff demands judgment against the Defendant, LIEUTENANT KEVIN JUDGE (Tax ID # 901746), P.O. RAYMOND LOW (Tax ID# 936985), and P.O. "JOHN DOE" # 1-10, pursuant to the federal causes of action above, in the sum of ONE MILLION DOLLARS (\$1,000,000.00) in compensatory damages, and ONE MILLION DOLLARS (\$1,000,000.00) in punitive damages, plus attorney's fees, costs and disbursements of this action, and with interest at the legal rate from the date the cause of action accrued.

62. **WHEREFORE**, plaintiff demands judgment against the Defendant, CITY OF NEW YORK, and LIEUTENANT KEVIN JUDGE (Tax ID # 901746), P.O. RAYMOND LOW (Tax ID# 936985), and P.O. "JOHN DOE" # 1-10, pursuant to the state law causes of action above, in the sum of ONE MILLION DOLLARS (\$1,000,000.00) in compensatory damages, and ONE MILLION DOLLARS (\$1,000,000.00) in punitive damages, together with the costs and disbursements of this action, and with interest at the legal rate from the date the cause of action.

Dated: New York, NY  
September 8, 2013

By:

  
**BRYAN KONOSKI**  
Treyvus & Konoski, P.C.  
*Attorney(s) for the Plaintiff*  
305 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007  
(212) 897-5832

## VERIFICATION

STATE OF NEW YORK ) ss:

)  
COUNTY OF Kings )

PAUL WILLIAMS, being duly sworn, deposes and says:

I am the plaintiff in this action. I have read the foregoing Verified Complaint and know the contents thereof; and the same is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief, and to those matters I believe them to be true.

By:

Paul Williams  
PAUL WILLIAMS

Sworn to before me this 3rd day  
Of October, 2013

Kashif F Khawaja  
NOTARY PUBLIC

KASHIF F KHAWAJA  
Notary Public, State of New York  
No. 01KH6227568  
Qualified in Kings County  
My Commission Expires 8/31/14

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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PAUL WILLIAMS,

DKT#:

Plaintiff,

- against -

THE CITY OF NEW YORK,  
LIEUTENANT KEVIN JUDGE (Tax ID # 901746),  
P.O. RAYMOND LOW (Tax ID# 936985),  
P.O. "JOHN DOE" #1-10, Individually and in their official  
capacities (the name John Doe being fictitious as the true  
names is presently unknown),

Defendants.

-----X

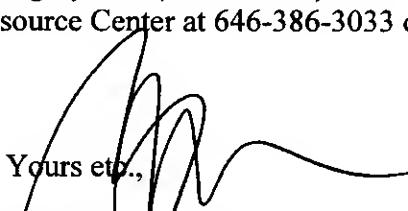
**NOTICE OF COMMENCEMENT OF ACTION  
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced  
by filing of the accompanying documents with the County Clerk, is subject to mandatory  
electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This  
notice is served as required by Subdivision (b)(3) of that Section.

For information about electronic filing, including access to Section 202.5-bb, consult the  
website of the New York State Courts Electronic Filing System ("NYSCEF") at  
[www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center at 646-386-3033 or  
[efile@courts.state.ny.us](mailto:efile@courts.state.ny.us).

Dated: New York, N.Y.  
September 8, 2013

By:

  
Yours etc.,  
BRYAN KONOSKI  
Treyvus & Konoski, P. C.  
Attorney(s) for the Plaintiffs  
305 Broadway, 14<sup>th</sup> Floor  
New York, N.Y. 10007  
(212) 897-5832

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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PAUL WILLIAMS,

DKT#:

Plaintiff,

- against -

THE CITY OF NEW YORK,  
LIEUTENANT KEVIN JUDGE (Tax ID # 901746),  
P.O. RAYMOND LOW (Tax ID# 936985),  
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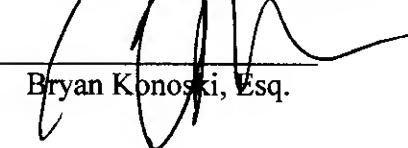
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**SUMMONS AND VERIFIED COMPLAINT**

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PURUSANT TO SEC. 130.1.1 OF THE RULES OF THE CHIEF ADMINISTRATOR (22nycrr),  
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF,  
FORMED AFTER AN INQUIRY REASONABLE UNDER THE CIRCUMSTANCES, THE  
WITHIN (SUMMONS AND VERIFIED COMPLAINT) IS NOT FRIVOLOUS.

  
Bryan Konoski, Esq.

**TREYVUS & KONOSKI, P.C.**  
*Attorneys for the Plaintiffs*

**305 Broadway, 14<sup>th</sup> floor  
New York, N.Y. 10007  
(212) 897-5832  
Fax: (718) 668-1094**